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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,828

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Mark Gilmore Mears

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EXAMINER

CHOKSHI, PINKAL R

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,828	Applicant(s) MEARS ET AL.	
	Examiner PINKAL CHOKSHI	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01/26/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/02/2009 has been entered.

Response to Arguments

2. Applicant's arguments filed 06/02/2009 have been fully considered but they are not persuasive. Applicant asserts that Shintani does not teach a second option to individually select which of a plurality of types of channels are to be searched. Examiner respectfully disagrees. Shintani discloses (§§0006, §§0038, §§0051) that when selected input has more than one signals, such as cable input with digital and analog signals (§§0036), controller selects a signal to scan based on a manual input received from a user as represented in Fig. 3 (elements 316, 320). The rejection is maintained.

With regard to the dependent claims, the respective rejections are maintained as Applicant has only argued that the combination of Johnson and Shintani does not cure the deficiencies of independent claims 1, 7, and 13, nevertheless it is the Examiner's contention that combination of Johnson and Shintani does not contain any deficiencies.

The rejections relied on the references for all the teachings expressed in the text of the references and/or one of ordinary skill in the art would have reasonably

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understood from the texts. Only specific portions of the texts have been pointed out to emphasize certain aspects of the prior art, however, each reference as a whole should be reviewed in responding to the rejection. See the rejection below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over WO Publication 01/06771 A1 to Johnson et al (hereafter referenced as Johnson) in view of US PG Pub 2005/0086693 A1 to Shintani et al (hereafter referenced as Shintani).

Regarding **claim 1**, “a method for enabling a channel search in a signal processing apparatus” reads on the method that scans received signal for channel mapping (abstract and title) disclosed by Johnson and represented in Fig. 1.

As to “method comprising the steps of: generating a signal suitable for coupling to a display device for displaying an on-screen menu” Johnson discloses (pg.5, lines 7-12) that the method displays OSD information, which is a part of television signal, on a display device as represented in Fig. 1 (element 22).

As to “enabling a user to present said channel search responsive to said on-screen menu” Johnson discloses (pg.3, lines 6-9) that the channel search menu allow the user to accomplish channel search on the selected signal input.

As to “wherein said plurality of options includes a first option to search at least one of a plurality of inputs to said signal processing apparatus” Johnson discloses (pg.6, lines 19-21 and pg.8, lines 6-7) that the channel search detects all available channels based on the selected signal inputs. As to “a second option to search at least one of a plurality of types of channels” Johnson discloses (pg.7, lines 9-22) that the channel search is started based on the user’s selection of channels characteristic (analog/digital) of the signal input.

Johnson does not teach the limitation “select a plurality of options.” However, Johnson discloses (pg.5, lines 9-12) the generation of on-screen menus and it would therefore be self obvious to the skilled person to consider allowing the selection of the said options from an on-screen menu, specially in the light of the description on pg.3, lines 10-12, mentioning the advantage of a single menu screen when compared to navigation through several menu screens.

Johnson meets all the limitations of the claim except above limitation “select a plurality of options.” However, Shintani discloses (¶0038) that based on the user input, controller selects video input and type of video signals for channel search as represented in Fig. 3 (steps 312, 314, 316, 320). As to “plurality of options includes option to individually select which of a plurality of inputs and types of channels are to be searched” Shintani discloses (¶0059 and ¶0070-

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¶0071) that the channel scan is provided for one or more signal inputs and one or more signals, based on the manual input received by a user that instructs system which signal input should be scanned and which input should not be scanned. Shintani further discloses (¶0037-¶0038) that the manual input, received from user, instructs controller which provides instructions to the selector to determine the signal and modulation scheme. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Johnson's system by providing individually selecting search options for channel search selection as taught by Shintani so user does not need to spend time scanning an input/signal that user doesn't desired and also to search all available channels on all available signals from all available input and by providing individual search option (¶0005 and ¶0059).

Regarding **claim 2**, "the method wherein said plurality of inputs includes a cable input and an antenna input" Johnson discloses (pg.4, lines 29-31) that the analog/digital signals are received from antenna and cable TV as represented in Fig. 1 (element 34, 36, 38).

Regarding **claim 3**, "the method wherein said plurality of types of channels includes digital modulation channels and analog modulation channels" Johnson discloses (pg.3, lines 19-21) that the multimedia system receives analog/digital signals to perform channel search as represented in Fig. 1 (element 34, 36, 38).

Regarding **claim 4**, “the method wherein said plurality of options further includes a third option to detect a type of signal received via least one of said plurality of inputs” Johnson discloses (pg.7, lines 5-7 and pg.8, lines 14-16) that the detection of the type of signal may or may not be performed automatically. However, the examiner takes official notice that it was well known in the art at the time of the invention to manually select to detect a type of signal received in device. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to add manual selection to Johnson’s automatic system would have yielded predictable result of reducing the time to perform the channel search function.

Regarding **claim 5**, “the method wherein said plurality of options further includes a fourth option to search previously found channels” Shintani discloses (¶0028 and ¶0033) that the user manually input to rerun previously generated channel map to regenerate an updated channel map. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to search previously found channels as taught by Shintani so the newly detected channel is simply assigned and incorporated into the updated channel map (¶0076).

Regarding **claim 6**, “the method further comprised of performing said channel search according to said plurality of options selected by said user”

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Johnson discloses (pg.2, line 22-pg.3, line 12) to perform channel searching based on user's selection to signal input and other variables.

Regarding **claim 7**, “an apparatus for enabling a channel search” reads on the apparatus that scans received signal for channel mapping (abstract and title) disclosed by Johnson and represented in Fig. 1.

As to “apparatus comprising: memory means for storing data used to generate a signal suitable for coupling to a display device for displaying an on-screen menu” Johnson discloses (pg.5, lines 7-12, 15-16; pg. 6, lines 1-3) that the apparatus stores data on the memory that displays OSD information, which is a part of television signal, on a display device as represented in Fig. 1 (element 42).

As to “processing means for enabling a user to present said channel search responsive to said on-screen menu” Johnson discloses (pg.3, lines 6-9) that the channel search menu allow the user to accomplish channel search on the selected signal input.

As to “wherein said plurality of options includes a first option to search at least one of a plurality of inputs to said apparatus” Johnson discloses (pg.6, lines 19-21 and pg.8, lines 6-7) that the channel search detects all available channels based on the selected signal inputs. As to “a second option to search at least one of a plurality of types of channels” Johnson discloses (pg.7, lines 9-22) that the channel search is started based on the user's selection of channels characteristic (analog/digital) of the signal input.

Johnson does not teach the limitation “select a plurality of options.”

However, Johnson discloses (pg.5, lines 9-12) the generation of on-screen menus and it would therefore be self obvious to the skilled person to consider allowing the selection of the said options from an on-screen menu, specially in the light of the description on pg.3, lines 10-12, mentioning the advantage of a single menu screen when compared to navigation through several menu screens.

Johnson meets all the limitations of the claim except above limitation “select a plurality of options.” However, Shintani discloses (¶0038) that based on the user input, controller selects video input and type of video signals for channel search as represented in Fig. 3 (steps 312, 314, 316, 320). As to “plurality of options includes option to individually select which of a plurality of inputs and types of channels are to be searched” Shintani discloses (¶0059 and ¶0070-¶0071) that the channel scan is provided for one or more signal inputs and one or more signals, based on the manual input received by a user that instructs system which signal input should be scanned and which input should not be scanned. Shintani further discloses (¶0037-¶0038) that the manual input, received from user, instructs controller which provides instructions to the selector to determine the signal and modulation scheme. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Johnson’s system by providing individually selecting search options for channel search selection as taught by Shintani so user does not need to spend time scanning an input/signal that user doesn’t desired and also to search all

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available channels on all available signals from all available input and by providing individual search option (§0005 and §0059).

Regarding **claim 8**, “the apparatus wherein said plurality of inputs includes a cable input and an antenna input” Johnson discloses (pg.4, lines 29-31) that the analog/digital signals are received from antenna and cable TV as represented in Fig. 1 (element 34, 36, 38).

Regarding **claim 9**, “the apparatus wherein said plurality of types of channels includes digital modulation channels and analog modulation channels” Johnson discloses (pg.3, lines 19-21) that the multimedia system receives analog/digital signals to perform channel search as represented in Fig. 1 (element 34, 36, 38).

Regarding **claim 10**, “the apparatus wherein said plurality of options further includes a third option to detect a type of signal received via least one of said plurality of inputs” Johnson discloses (pg.7, lines 5-7 and pg.8, lines 14-16) that the detection of the type of signal may or may not be performed automatically. However, the examiner takes official notice that it was well known in the art at the time of the invention to manually select to detect a type of signal received in device. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to add manual selection to Johnson’s

automatic system would have yielded predictable result of reducing the time to perform the channel search function.

Regarding **claim 11**, “the apparatus wherein said plurality of options further includes a fourth option to search previously found channels” Shintani discloses (¶0028 and ¶0033) that the user manually input to rerun previously generated channel map to regenerate an updated channel map. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to search previously found channels as taught by Shintani so the newly detected channel is simply assigned and incorporated into the updated channel map (¶0076).

Regarding **claim 12**, “the apparatus wherein said processing means enables performance of said channel search according to said plurality of options selected by said user” Johnson discloses (pg.2, line 22-pg.3, line 12) to perform channel searching based on user's selection to signal input and other variables.

Regarding **claim 13**, “a video signal processor” reads on the apparatus that scans received signal for channel mapping (abstract and title) disclosed by Johnson and represented in Fig. 1.

As to “processor comprising: a memory operative to store data used to generate a signal suitable for coupling to a display device for displaying an on-screen menu” Johnson discloses (pg.5, lines 7-12, 15-16; pg. 6, lines 1-3) that

the apparatus stores data on the memory that displays OSD information, which is a part of television signal, on a display device as represented in Fig. 1 (element 42).

As to “a controller operative to enable a user to present a channel search responsive to said on-screen menu” Johnson discloses (pg.3, lines 6-9) that the channel search menu control by microcontroller allow the user to accomplish channel search on the selected signal input as represented in Fig. 1 (element 32).

As to “wherein said plurality of options includes a first option to search at least one of a plurality of inputs to said video signal processor” Johnson discloses (pg.6, lines 19-21 and pg.8, lines 6-7) that the channel search detects all available channels based on the selected signal inputs. As to “a second option to search at least one of a plurality of types of channels” Johnson discloses (pg.7, lines 9-22) that the channel search is started based on the user’s selection of channels characteristic (analog/digital) of the signal input.

Johnson does not teach the limitation “select a plurality of options.” However, Johnson discloses (pg.5, lines 9-12) the generation of on-screen menus and it would therefore be self obvious to the skilled person to consider allowing the selection of the said options from an on-screen menu, specially in the light of the description on pg.3, lines 10-12, mentioning the advantage of a single menu screen when compared to navigation through several menu screens.

Johnson meets all the limitations of the claim except above limitation “select a plurality of options.” However, Shintani discloses (¶0038) that based on the user input, controller selects video input and type of video signals for channel search as represented in Fig. 3 (steps 312, 314, 316, 320). As to “plurality of options includes option to individually select which of a plurality of inputs and types of channels are to be searched” Shintani discloses (¶0059 and ¶0070-¶0071) that the channel scan is provided for one or more signal inputs and one or more signals, based on the manual input received by a user that instructs system which signal input should be scanned and which input should not be scanned. Shintani further discloses (¶0037-¶0038) that the manual input, received from user, instructs controller which provides instructions to the selector to determine the signal and modulation scheme. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Johnson’s system by providing individually selecting search options for channel search selection as taught by Shintani so user does not need to spend time scanning an input/signal that user doesn’t desired and also to search all available channels on all available signals from all available input and by providing individual search option (¶0005 and ¶0059).

Regarding **claim 14**, “the video signal processor wherein said plurality of inputs includes a cable input and an antenna input” Johnson discloses (pg.4, lines 29-31) that the analog/digital signals are received from antenna and cable TV as represented in Fig. 1 (element 34, 36, 38).

Regarding **claim 15**, “the video signal processor wherein said plurality of types of channels includes digital modulation channels and analog modulation channels” Johnson discloses (pg.3, lines 19-21) that the multimedia system receives analog/digital signals to perform channel search as represented in Fig. 1 (element 34, 36, 38).

Regarding **claim 16**, “the video signal processor wherein said plurality of options further includes a third option to detect a type of signal received via least one of said plurality of inputs” Johnson discloses (pg.7, lines 5-7 and pg.8, lines 14-16) that the detection of the type of signal may or may not be performed automatically. However, the examiner takes official notice that it was well known in the art at the time of the invention to manually select to detect a type of signal received in device. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to add manual selection to Johnson’s automatic system would have yielded predictable result of reducing the time to perform the channel search function.

Regarding **claim 17**, “the video signal processor wherein said plurality of options further includes a fourth option to search previously found channels” Shintani discloses (¶0028 and ¶0033) that the user manually input to rerun previously generated channel map to regenerate an updated channel map. Therefore, it would have been obvious to one of the ordinary skills in the art at

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the time of the invention to search previously found channels as taught by Shintani so the newly detected channel is simply assigned and incorporated into the updated channel map (¶0076).

Regarding **claim 18**, “the video signal processor wherein said controller is further operative to enable performance of said channel search according to said plurality of options selected by said user” Johnson discloses (pg.2, line 22-pg.3, line 12) to perform channel searching based on user's selection to signal input and other variables.

Conclusion

5. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/

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Supervisory Patent Examiner, Art Unit 2425